



Testimony of Lori J. Pelletier, President Connecticut AFL-CIO  
Before the Labor and Public Employees Committee  
March 3rd, 2016

Senator Gomes and Representative Tercyak and members of the Labor and Public Employees Committee, on behalf of the over 200,000 union members and their families in our great state we present written testimony on:

H.B. No. 5449 (RAISED) AN ACT CONCERNING LIABILITY FOR UNFAIR INSURANCE PRACTICES IN WORKERS' COMPENSATION CLAIMS. (LAB)

We **support** the proposal in the new subsection (b) to allow an injured employee to make a claim in court against his/her employer for damages when the employer unreasonably contests liability or if the employer unreasonably delays payments or adjustments of compensation. This proposal will encourage employers to fairly treat injured employees who make appropriate workers compensation claims to help with workplace injuries; and will allow employees to recover appropriate damages when he or she is not treated fairly.

However, we must strongly oppose the provision contained within the final sentence of the new subsection (b); and we respectfully request that this provision be deleted from HB 5449. This provision is commonly known as a **"Loser Pays"** provision; which is very unfavorable to injured workers.

This **"Loser Pays"** provision says that if an injured worker believes that he/she was treated unfairly and makes a claim; but for some reason he/she does not prevail, then the court may order the injured worker to pay up to \$5,000.00 in attorneys' fees to the workers comp insurance company or to the employer.

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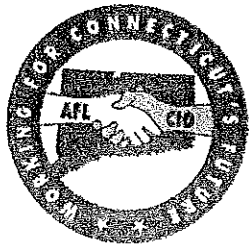
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# CONNECTICUT AFL-CIO

56 Town Line Road, Rocky Hill, CT 06067

Tel: 860-571-6191

Fax: 860-571-6190

This **"Loser Pays"** provision will provide an enormous disincentive and a chilling effect and will discourage injured workers from ever making claims. We suspect that most injured workers could not and would not take the risk of being beaten by the insurance company/employer and then being ordered by the court to pay \$5,000.00 in attorney's fees (adding insult to injury).

The primary purpose of HB 5449 seems to be to encourage employers and workers compensation insurance companies to fairly treat injured workers in the handling of workers compensation claims; but that good purpose is totally extinguished by the **"Loser Pays"** provision which will work to totally discourage most injured workers from ever making a claim and seeking their day in court.

Please amend HB 5449 by **deleting** the final sentence of the new subsection (b).

As always, I thank you for holding this public hearing.

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